

Exhibit P1

Cause #

16 C.J.S. Constitutional Law § 8

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Constitutional Law

Francis C. Amendola, J.D.; Joseph Bassano, J.D.; John Bourdeau, J.D.; M. Elaine Buccieri, J.D.; James Buchwalter, J.D.; Michael N. Giuliano, J.D.; Lonnie E. Griffith, Jr., J.D.; Eleanor L. Grossman, J.D., of the staff of the National Legal Research Group, Inc.; Jill Gustafson, J.D.; Glenda K. Harnad, J.D.; Alan J. Jacobs, J.D.; John Kimpflen, J.D.; Amy L. Kruse, J.D.; Stephen Lease, J.D.; Sonja Larsen, J.D.; Robert B. McKinney, J.D., of the staff of the National Legal Research Group, Inc.; Mary Babb Morris, J.D., of the staff of the National Legal Research Group, Inc.; Anne E. Melley, J.D., LL.M., of the staff of the National Legal Research Group, Inc.; Kristina E. Music Biro, J.D., of the staff of the National Legal Research Group, Inc.; Thomas Muskus, J.D.; Sally J.T. Necheles, J.D., LL.M.; Karl Oakes, J.D. and Eric C. Surette, J.D.

PART I. Nature, Establishment, Amendment, and Construction of Constitutions; Separation of Powers

I. Definitions; Nature and Authority of Constitutions

B. Nature and Authority of Constitutions

1. In General

§ 8. Conformance of statutory and common law to constitution

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Constitutional Law](#)  502

In order to be valid, statutory and common law must conform to both the federal and state constitutions, and laws that run afoul of a constitution are unconstitutional and void.

Statutory law, in order to be valid, must conform to applicable constitutions both federal and state.¹ In other words, constitutional language controls legislative language.²

Accordingly, constitutional provisions control in any conflict with lesser laws, such as statutes, local ordinances, administrative regulations,³ and case law.⁴ No statute can, therefore, breathe life into an instrument made and executed in contravention of a constitutional inhibition.⁵

Constitutions are not, however, designed to micromanage disputes between citizens.⁶ Thus, to resolve most actions, citizens must resort to statutes and common law.⁷

Unconstitutional laws.

An unconstitutional law is a law that runs contrary to constitutionally protected rights of individuals, and such cannot be allowed to stand.⁸ It is a rule or action which is established in opposition to the provisions or principles of the fundamental law and which is, therefore, in excess of the authority of the body or official promulgating it, and consequently, void.⁹

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Footnotes

- 1 Wash.—*Tilton v. Cowles Pub. Co.*, 76 Wash. 2d 707, 459 P.2d 8 (1969).
- 2 Neb.—*State ex rel. Stenberg v. Murphy*, 247 Neb. 358, 527 N.W.2d 185 (1995).
- 3 Ala.—*Bassett v. Newton*, 658 So. 2d 398 (Ala. 1995).
- 4 Minn.—*State v. Wukawitz*, 662 N.W.2d 517 (Minn. 2003).
- 5 Fla.—*Reid v. Bradshaw*, 302 So. 2d 180 (Fla. 1st DCA 1974).
- 6 Iowa—*Putensen v. Hawkeye Bank of Clay County*, 564 N.W.2d 404 (Iowa 1997).
- 7 Iowa—*Putensen v. Hawkeye Bank of Clay County*, 564 N.W.2d 404 (Iowa 1997).
- 8 U.S.—*Condon v. Haley*, 21 F. Supp. 3d 572 (D.S.C. 2014).
- 9 Kan.—*City of Lyons v. Suttle*, 209 Kan. 735, 498 P.2d 9, 57 A.L.R.3d 1058 (1972).
State statute in conflict with Federal Constitution as void
Ky.—*Com. v. Barroso*, 122 S.W.3d 554 (Ky. 2003).

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